



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

18 SEP 2002

Mr. Mike Linder  
Nebraska Department of Environmental Quality  
1200 N Street, The Atrium, Suite 400  
Lincoln, NE 68509-8922

Dear Mr. Linder:

Thank you for the submissions dated August 20, 2002, requesting approval of the Yankee Hill Lake Total Maximum Daily Loads (TMDLs) under §303(d) of the Clean Water Act. We have completed our review of these TMDLs for Sediment/Siltation and Nutrients as submitted by your office and in accordance with §303(d) of the Clean Water Act (33 U.S.C. 1251 et.seq.), we approve all aspects of these TMDLs.

Enclosed are EPA Region 7 Review Forms which summarize the rationale for EPA's approval of these TMDLs. EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

EPA is currently in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) regarding these TMDLs. While EPA is approving these TMDLs at the present time, EPA may decide that changes to these TMDLs are warranted based upon the results of the consultation when it is completed. However, because the phased approach is used in these TMDLs, USFWS will also have future opportunities to review any revisions to the TMDLs based on phase 2 recommendations.

Although the 1998 Nebraska §303(d) list also identifies Yankee Hill Lake as impaired by atrazine and arsenic, the August 20<sup>th</sup> submission letter says Nebraska would be proposing to de-list Yankee Hill Lake from the 2002 §303(d) list for these two pollutants. The proposed de-listing is due to Nebraska's revision of the numeric criteria for these two parameters and subsequent EPA approval of those new numeric criteria. EPA is currently reviewing the final 2002 Nebraska §303(d) list and has not yet determined whether the de-listing of these two pollutants will be approved. However, this does not preclude EPA from formally approving the sedimentation/siltation and nutrient TMDLs at this time.

Again, EPA appreciates the thoughtful teamwork and partnering effort that Nebraska has put forth in the development of these TMDLs and will continue to cooperate with and assist, as appropriate, in future efforts by Nebraska to develop the remaining TMDLs on the current Nebraska §303(d) list of impaired water bodies.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo J. Alderman", with a long horizontal flourish extending to the right.

Leo J. Alderman  
Director  
Water, Wetlands, and Pesticides Division

Enclosure

cc: Mr. Patrick O'Brien, NE Dept of Environmental Quality, Lincoln, NE